

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 5209	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/IT2005/000119	International filing date (day/month/year) 03.03.2005	Priority date (day/month/year) 05.03.2004
International Patent Classification (IPC) or national classification and IPC INV. E04F15/02		
Applicant RAINERI, Gabriele		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of 1 sheets, as follows:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input checked="" type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application 		
Date of submission of the demand 16.09.2005	Date of completion of this report 12.06.2006	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Bouyssy, V Telephone No. +49 89 2399-2073	



INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/T2005/000119

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
 - the international application in the language in which it was filed
 - a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3(a) and 23.1(b))
 - publication of the international application (under Rule 12.4(a))
 - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

2-5 as originally filed
1 filed with telefax on 04.01.2006

Claims, Numbers

1-9 as originally filed

Drawings, Sheets

1/2, 2/2 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/IT2005/000119

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- the entire international application,
 claims Nos. 9

because:

- the said international application, or the said claims Nos. relate to the following subject matter which does not require an international preliminary examination (*specify*):
 the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 9 are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

- the claims, or said claims Nos. 9 are so inadequately supported by the description that no meaningful opinion could be formed (*specify*):

see separate sheet

- no international search report has been established for the said claims Nos.

- a meaningful opinion could not be formed without the sequence listing; the applicant did not, within the prescribed time limit:

furnish a sequence listing on paper complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

furnish a sequence listing in electronic form complying with the standard provided for in Annex C of the Administrative Instructions, and such listing was not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

pay the required late furnishing fee for the furnishing of a sequence listing in response to an invitation under Rules 13ter.1(a) or (b) and 13ter.2.

- a meaningful opinion could not be formed without the tables related to the sequence listings; the applicant did not, within the prescribed time limit, furnish such tables in electronic form complying with the technical requirements provided for in Annex C-bis of the Administrative Instructions, and such tables were not available to the International Preliminary Examining Authority in a form and manner acceptable to it.

- the tables related to the nucleotide and/or amino acid sequence listing, if in electronic form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

- See separate sheet for further details

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/IT2005/000119

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	7
	No:	Claims	1-6,8
Inventive step (IS)	Yes:	Claims	7
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-8
	No:	Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/IT2005/000119

1. Reference is made to the following prior art documents:

D1: WO 02/22986 A
D2: WO 01/69007 A

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

2. Independent claim 9 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined.

This claim attempts to define the subject-matter by reference to the description or drawings. Such a definition is only allowable under the conditions elaborated in the PCT-Guidelines, II, 5.10.

In this instance, however, such a formulation is not allowable because it appears possible to define the subject-matter in more concrete terms, viz. in terms of technical features.

3. Hence, claim 9 is considered so unclear that no meaningful opinion can be formed on the novelty, non-obviousness, or industrial applicability, of the claimed invention. Pursuant to Article 34 (a) (ii) PCT, the questions referred to in Article 33 (1) PCT will not be considered for this claim.

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

NOVELTY (ARTICLE 33 (2) PCT)

4. The subject-matter of any of claims 1-6 and 8 is not novel:

- 4.1 **D1**, which is considered to represent the most relevant state of the art, discloses a panel for laying floors, including several tiles 16 and a membrane 4 provided with engagement projections on both its faces to which said tiles are secured beforehand in the correct position for their lying (see page 3, lines 19-25; page 6, lines 11-31; page 12, lines 4-26; Figure 13).

As indicated by the Applicant in his fax dated 04.01.2006, **D1** does teach that the tiles are fixed onto the membrane once this membrane is secured in place on an underlying membrane.

However, **D1** also expressly teaches that the panel consisting of said membrane and said tiles can be readily removed, without damage, and be re-installed, without any modification, on an underlying membrane (see page 8, lines 3-16).

Thus, the combination of features of claim 1 is anticipated by the panel described in **D1**.

This panel known from **D1** possesses also the additional features of claims 2 (Figure 14a), 3 (page 8, line 20 to page 9, line 1), 5 (glue 14), 6 (page 6, lines 26-27; page 12, lines 8-11), 8 (page 12,

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/IT2005/000119

lines 13-21).

- 4.2 **D2** discloses a panel including several tiles 5 and a membrane 7 provided with engagement projections on both its faces to which said tiles are glued in the correct position (Figures 2 and 3).

D2 teaches that the tiles 5 are fixed onto the membrane 7 once this membrane is secured in place. If old tiles 5 are to be removed and replaced by new tiles 5, the following steps are carried out:

- (a) removing the membrane 7 with its old tiles 5;
- (b) positioning a new membrane 7;
- (c) gluing new tiles 5 on the new membrane 7.

It is maintained that the old panel comprising the old membrane 7 of flexible material and the old tiles 5 is of such a nature that it could be re-installed, without any modification, onto a support surface.

In his fax dated 04.01.2006 the Applicant argues essentially that, in **D2**, the removing operation causes a plastic deformation of the old membrane so that the old panel cannot be re-installed in the correct position, i.e. in the further membrane. However, claim 1 is silent on the way the claimed panel is to be laid in position. The old panel of **D2**, even if with plastic deformation, could be installed on a support, for instance in a mortar bed. Such a laying procedure is not excluded in claim 1. Hence, said old panel of **D2** anticipates the subject-matter of claim 1, although it has never been described for the purpose stated in this claim (PCT-Guidelines, II, 5.23).

This known panel possesses also the additional features of claims 2 (further membrane 8), 3 (block 9), 4 (Figures 2 and 3), 5 (glue 4).

INVENTIVE STEP (ARTICLE 33 (3) PCT)

5. In the panel of **D1** Figure 13, the tiles 16 are laid in a plane. The subject-matter of claim 4 requests that the tiles are also properly spaced from one another. Such a regular spacing cannot be derived directly and unambiguously from **D1** Figure 13. However, it is a matter of normal design procedure and the advantages thus achieved can be readily contemplated in advance. Consequently, the subject-matter of claim 4 lacks an inventive step over **D1**.
6. The combination of the features of dependent claim 7 is neither known from, nor rendered obvious by, the available prior art.

However, as indicated hereafter (see point 10.1), claim 7 does not describe a panel but rather a method for laying tiles and therefore it shall be redrafted so that it is directed to a **method for laying tiles**.

INDUSTRIAL APPLICATION (ARTICLE 33 (4) PCT)

7. The subject-matter according to any of claims 1 to 8 is industrially applicable.

**INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.
PCT/IT2005/000119

Re Item VII

Certain defects in the international application

8. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the afore mentioned prior art documents is not mentioned in the description, nor are these documents identified therein.
9. The definition of the problem underlying the invention should be presented in the description in such terms that its solution can be better understood in view of the disclosure of document **D1** (Rule 5.1 (a) (iii) PCT).

Re Item VIII

Certain observations on the international application

10. The requirements of Article 6 PCT are not met for the following reasons:

- 10.1 The claims are directed to a panel per se.

However, claims **3**, **7** and **8** do not describe said panel but rather a further membrane (3) and/or a method for laying tiles. This results in a lack of clarity with respect to the subject-matter for which protection is sought, and even with respect to its category (device ?, method ?).

To meet the requirements of Article 6 PCT and to make the intended limitations clear, the claims should have been directed to a **method of laying tiles**.

- 10.2 It follows from the disclosure of the invention in the description (page 1, paragraph 1 and page 2, paragraph 2) that the additional features of dependent claim **2** are essential to the performance of the invention.

This inconsistency between the disclosure of the invention in claim **1**, on the one hand, and in the description, on the other hand, leads to doubt concerning the matter for which protection is sought, thereby rendering the claims unclear (Article 6 PCT).

Moreover, claim **1** is not supported by the description as required by Article 6 PCT, as its scope is broader than justified by the description and drawings.

- 10.3 Claim **9** does not meet the requirements of Article 6 PCT (see item II here above).

Panel with pre-placed tiles for laying floors

The present invention relates to building industry, and particularly the laying of floors by using panels consisting of two or more tiles which are glued beforehand to a Greek fret membrane to allow the floor
5 to be laid quickly and easily.

Each panel essentially includes aligned, spaced tiles secured to a Greek fret membrane having such a shape as to conform with the shape of another membrane secured to the block and to fit with the latter in a
10 removable manner.

Methods for laying floors in the name of the same Applicant are already known (e.g. WO 02/22986). They use a couple of membranes of plastic material, one of
15 which is secured to the block and the second, to which the tiles are glued, is able to be fitted with the former in a removable manner.

Although such known laying methods allow floors to be removed quickly, it should be appreciated that the
20 next new laying of a floor requires necessarily that a new removable membrane is applied onto the stationary membrane secured to the block whereupon tiles can be laid thereon. Of course, such operations are time consuming and expensive as well.

25

The main object of the present invention is to overcome such problems by providing a panel provided with pre-laid tiles and able to be fitted with the